

BILL NO. 96-67  
AS AMENDED

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND  
BILL NO. 96-67 (as amended)

Introduced by Council President Parrott at the request of the County Executive

Legislative Day No. 96-33 Date December 10, 1996

AN ACT to repeal and re-enact, with amendments, Subsection C of Section 267-29, Open Space, of Article V, Supplementary Regulations, of Part I, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to provide for the deposit of funds in an amount ~~equal to or~~ exceeding the fair-market value per ~~acre~~ of such land that would otherwise be required to be designated as open space or in-kind services or products in lieu of dedicating land for open space; and generally relating to open space requirements.

By the Council, December 10, 1996  
Introduced, read first time, ordered posted and public hearing scheduled  
on: January 14, 1997  
at: 7:30 p.m.  
By Order: James D. Vannoy, Acting Secretary

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 14, 1997 and concluded on January 14, 1997.

James D. Vannoy, Acting Secretary

EXPLANATION: CAPITALS INDICATE MATTER  
ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted  
from existing law. Underlining indicates  
language added to Bill by amendment.  
Language lined through indicates matter  
stricken out of Bill by amendment.

BILL NO. 96-67  
AS AMENDED

1 Section 1. Be It Enacted By The County Council of Harford County, Maryland that  
2 Subsection C of Section 267-29, Open Space, of Article V, Supplementary Regulations, of Part I,  
3 Standards, of Chapter 267, Zoning, of the Harford County Code, as amended, be, and it is hereby,  
4 repealed and re-enacted as amended, all to read as follows:

5 Chapter 267. Zoning

6 Part I. Standards

7 Article V. Supplementary Regulations

8 Section 267-29. Open Space.

9 [C. Fee in lieu of designation. If the open space requirements cannot be placed in the parcel,  
10 in whole or in part, the developer may deposit with the County Recreation Trust Fund an amount  
11 equal to or exceeding the market value of such land as would otherwise be required to be  
12 designated as open space. The full value of the land as established by the State Department of  
13 Assessments and Taxation shall be presumed to be the value in absence of contrary evidence.]

14 ~~C. FEE IN LIEU OF DESIGNATION AND OPTION. IF IT IS DETERMINED BY THE~~  
15 ~~COUNTY THAT NO LAND IS SUITABLE FOR DEDICATION, IN WHOLE OR IN PART,~~  
16 ~~OR THAT IT IS NOT PRACTICAL OR IN THE BEST INTEREST OF THE COUNTY TO~~  
17 ~~DEDICATE LAND, THE DEVELOPER SHALL DEPOSIT WITH THE COUNTY~~  
18 ~~RECREATION TRUST FUND AN AMOUNT EQUAL TO OR EXCEEDING THE FAIR~~  
19 ~~MARKET VALUE PER ACRE OF COMPARABLE LAND IN THE IMMEDIATE VICINITY~~  
20 ~~THAT WOULD OTHERWISE BE REQUIRED TO BE DESIGNATED AS OPEN SPACE; OR~~

21 C. FEE IN LIEU OF DESIGNATION AND OPTION. IF THE COUNTY AND DEVELOPER  
22 MUTUALLY AGREE THAT THE OPEN SPACE REQUIREMENTS CANNOT BE PLACED  
23 IN THE PARCEL, IN WHOLE OR IN PART, THE DEVELOPER SHALL DEPOSIT WITH  
24 THE COUNTY RECREATION TRUST FUND AN AMOUNT EQUAL TO 110 % OF THE

1 MARKET VALUE OF THE LAND THAT WOULD OTHERWISE BE REQUIRED TO BE  
2 DESIGNATED AS OPEN SPACE. THE FULL VALUE OF THE LAND AS ESTABLISHED  
3 BY THE STATE DEPARTMENT OF ASSESSMENT AND TAXATION SHALL BE  
4 PRESUMED TO BE THE VALUE IN THE ABSENCE OF CONTRARY EVIDENCE; OR

5 IF THE COUNTY AND DEVELOPER AGREE THE DEVELOPER SHALL PROVIDE TO  
6 THE ~~COUNTY~~, COUNTY IN-KIND SERVICES AND/OR PRODUCTS WHICH ARE DEEMED TO  
7 BE COMMENSURATE IN DOLLAR VALUE TO THE ESTABLISHED FEE IN LIEU OF AT A  
8 MUTUALLY AGREED UPON SITE WITHIN THE GENERAL VICINITY AND/OR RECREATION  
9 SERVICE AREA OF THE PLANNED DEVELOPMENT. ANY DOLLAR DIFFERENCE IN THE  
10 FEE IN LIEU OF AND THE AGREED UPON VALUE OF THE IN-KIND SERVICE OR PRODUCT  
11 SHALL BE DEPOSITED INTO THE COUNTY RECREATION TRUST FUND.

12 Section 2. And Be It Further Enacted that this Act shall take effect sixty (60) calendar  
13 days from the date it becomes law.

EFFECTIVE: April 14, 1997

96-67

AS AMENDED

HARFORD COUNTY BILL NO. 96-67 (as amended)(Brief Title) Zoning - Open Space Requirements -In-Kind Services and In Lieu Fees

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy  
Acting Council Administrator

Joanne S. Parrott  
President of the Council

Date February 11, 1997Date 2/11/97

BY THE COUNCIL

Read the third time.

Passed: LSD 97-5 (February 11, 1997)

Failed of Passage: \_\_\_\_\_

By Order

James D. Vannoy  
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 13th day of February, 1997 at 3:00 p. m.

James D. Vannoy  
Acting Council Administrator

BY THE EXECUTIVE

Colin M. Rehman  
COUNTY EXECUTIVE

APPROVED: Date February 13, 1997

BY THE COUNCIL

This Bill (No. 96-67, as amended), having been approved by the Executive and returned to the Council, becomes law on February 13, 1997.

James D. Vannoy  
Acting Council Administrator

EFFECTIVE DATE: April 14, 1997

96-67

AS AMENDED